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EXAMINER

BHATNAGAR, ANAND P

ART UNIT PAPER NUMBER

2623

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/291,358

Applicant(s)

MASAKI, KENJI

Examiner

Anand Bhatnagar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-9 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-9 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicants RCE filed on 02/04/03 has been entered and made of record.
2. Claims 3-6 and 10-13 were cancelled and claims 16 and 17 were added in Amendment A filed on 06/03/02. Claims 1,8, and 15 were amended in the RCE request filed on 02/04/03. Claims 1,2,7-9, and 14-17 are pending.
3. Applicant's arguments with respect to claims 1,8, and 15 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7 and 14 recite the limitation "the items pieced together". There is insufficient antecedent basis for this limitation in the claim. Examiner will address these claims as best understood.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,7-9, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hada et al (U.S patent 6,388,768) in view of Kindo et al. (U.S. patent 5,448,502), and Kuwata et al. (U.S. patent 6,151,410).

Regarding claims 1 and 8: Hada et al. discloses an image processing method (Hada et al.; col. 1 lines 58-60), comprising

judging whether correction of image data of a color image is necessary based on a quality contrast and color of the whole area of the image data (Hada et al.; fig. 11 elements 101-107,201, and 208, col. 2 lines 12-15, col. 6 lines 25-35, and col. 7 lines 35-40, where the color and contrast of an entire image is determined and compared to a standard pattern in the contrast and color correction judging units, elements 105 and 201 in fig. 11, and appropriate corrections made by the respective correction units, elements 106 and 208 in fig. 11, if correction(s) is/are needed).

performing a predetermined correction processing on at least a portion of the color image based on the judgement of the quality of the image data (Hada et al.; fig. 11 elements 101-107,201, col. 2 lines 12-15, and 208, col. 6 lines 25-35, and col. 7 lines 35-40, where the color and contrast of an entire image is determined and compared to a standard pattern in the contrast and color correction judging units ,elements 105 and 201 in fig. 11, and appropriate corrections made by the respective correction units, elements 106 and 208 in fig. 11, if correction(s) is/are needed. The standard pattern is read as the

predetermined correction because this standard pattern is used to correct the colored image).

Hada et al. discloses a color image color correction system where judgments are made on the color and contrast of the image and color correction is performed based on the judgments. Hada et al. does not disclose to perform a judgment on a specific color of the image to make a correction based on a specific color. Kindo et al. teaches to perform correction on an image based on a judgment made of a specific color in an image (Kindo et al.; fig. 25 elements 556 and 557, fig. 26 elements 567 and 568, and col. 45 lines 35-42 and 48-51, where a specific color is analyzed and judged and correction made based on this parameter). It would have been obvious to one skilled in the art to combine the teaching of Kindo et al. to that of Hada et al. because they are analogous in color correction by based on a judgment made on a specific parameter. One in the art would have been motivated to incorporate the teaching of Kindo et al. into the color correction apparatus/method of Hada et al. to have an image judging device which can suitably regulate the balance of color (Kindo et al.; col. 1 lines 60-62).

Hada et al. discloses a color image color correction system where judgments are made on the color and contrast of the image and color correction is performed based on the judgments. Hada et al. does not disclose to make a judgment on a sunset scene in an image. Kuwata et al. teaches to look at a evening scene in an image (Kuwata et al.; col. 8 lines 37-45 and col. 35 lines 14-

17; where an evening scene is analyzed in a color image). It would have been obvious to one skilled in the art to combine the teaching of Kuwata et al. to that of Hada et al. because they are analogous in color image color correction using a judgment unit. One in the art would have been motivated to incorporate the sunset scene analysis of Kuwata et al. and incorporate it into the system of Hada et al. modified to make a judgment on a color image of a sunset scene for color correction to have a method of automating correction of color reproducibility of a color with an abnormality such as the color slippage and also capable of correcting the overall the balance of color (Kuwata et al. col. 1 lines 64-67).

Hada et al. discloses a color image color correction system where judgments are made on the color and contrast of the image and color correction is performed based on the judgments. Hada et al. further discloses to correct for sharpness on a color image (Hada et al.; col. 27 lines 64-67 and col. 28 lines 1-4). Hada et al. does not disclose to make a judgement on a color image for sharpness and make an appropriate correction for any imbalance of sharpness if needed. It would have been obvious to one skilled in the art to modify the system to analyze and make a judgment on a specific parameter(s) on an image, such as sharpness, luminance, chrominance, etc. and correct the image for any one or all of these parameters if there was any imbalance in any of these parameters.

Regarding claim 8: It is rejected for the same reason as claim 1 above and for the following limitation: a memory which stores an image data of a color

image (Hada et al.; col. 2 lines 2-5, where the color data is stored in a storage unit "memory").

Regarding claim 15: It is rejected for the same reasons as claim 1 and 8 above and for the following limitation: a recording medium with a recorded program (Hada et al.; fig. 4 element 41).

Regarding claims 2 and 9: An image processing method wherein the necessity/nonnecessity of correction is judged based on the whole area of the image data (Hada et al. col. 2 lines 12-15, where the entire image judged and corrected).

Regarding claims 7 and 14: Hada et al. further discloses wherein the necessity/nonnecessity of correction is judged based on the items pieced together (Hada et al.; fig. 11 elements 103,201,105,106, and 208 and col. 7 lines 50-60, where the contrast, colors, density are pieced together, judged, and corrected).

Regarding claims 16 and 17: An image processing method further comprising:

Hada et al. discloses a color image color correction system where judgments are made on the color and contrast of the image and color correction is performed based on the judgments. Hada et al. further discloses to convert the original RGB data to CMYK before judgment is made on the color for correction in order for the printing device (fig. 11 elements 2 and 101-107 and col. 7 lines 35-41). Hada et al. also disclose to change the RGB to another color space

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which is HCV (fig. 47 and lines 34-63). It would have been obvious to one skilled in the art to use a specific color space, such as hue, saturation, and lightness, depending on the requirements in the system due to the devices connected in the system.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kobayashi et al. (U.S. patent 5,576,811) for an image quality judging means.

Kanamori et al. (U.S. patent 5,202,935) for a color conversion system.

Ito (U.S. patent 4,989,079) for a hue judgment unit.

Tajika et al. (U.S. patent 5,946,006) for analyzing a sunset scene.

### ***Contact Information***

7. Any inquiry into this communication should be directed to Anand Bhatnagar whose telephone number is 703-306-5914, whose supervisor is



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Amelia Au whose number is 703-308-6604, group receptionist is 703-305-4700,  
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AB

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March 7, 2003



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